

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

CAYUGA NATION,)	
)	
)	
Plaintiff,)	
)	
v.)	No.: 6:21-cv-06630-CJS
)	
CHARLES DIEBOLD, IN HIS OFFICIAL)	
CAPACITY OF AS CHIEF OF THE SENECA-)	
CAYUGA NATION; CURT LAWRENCE,)	
IN HIS OFFICIAL CAPACITY AS SECOND)	
CHIEF OF THE SENECA-CAYUGA NATION;)	
KIM GUYETT, IN HER OFFICIAL CAPACITY)	
AS SECRETARY-TREASURER OF THE)	
SENECA-CAYUGA NATION; CYNTHIA)	
DONOHUE BAUER, IN HER OFFICIAL)	
CAPACITY AS COUNCILPERSON OF THE)	
SENECA-CAYUGA NATION; AMY)	
NUCKOLLS, IN HER OFFICIAL CAPACITY)	
AS COUNCILPERSON OF THE SENECA-)	
CAYUGA NATION; HOYIT BACON, IN HIS)	
OFFICIAL CAPACITY AS COUNCILPERSON)	
OF THE SENECA-CAYUGA NATION;)	
TONYA BLACKFOX, IN HER OFFICIAL)	
CAPACITY AS COUNCILPERSON OF THE)	
SENECA-CAYUGA NATION; DUSTIN)	
PARKER; AND WARREN JOHNS,)	
)	
)	
Defendants.)	

DECLARATION OF DAVID MILLER

I, David M. Miller, hereby declare as follows:

1. I am a private investigator licensed by the State of New York.
2. I was retained by the Cayuga Nation Police Department to document the operation, as of November 30, 2021, of the store I know to be called "Pipekeepers" at 126 East Bayard Street in Seneca Falls, New York (the "Store").

3. I have personal knowledge of the matters set forth in this declaration.

4. On November 30, 2021 at approximately 3:00 pm, I arrived at the Store.

5. The store appears to be a Native American-operated store from its exterior signage. Specifically, there is a large sign in the parking lot that says “CAYUGA NATION BAYARD STREET STORE.” A photograph of the sign as I observed it on November 30th is attached as Exhibit A. There are other smaller signs that state “Pipekeepers” on the front door of the building.

6. I entered the store upon my arrival and I had two video recording devices capturing footage from my person the entire time I was in the store.

7. There were four employees working in the store and all appeared to be Native American in race.

8. A male behind the counter who I believe to be Dustin “Dusty” Parker waited on me. Mr. Parker was wearing a badge that stated “Indian Police.” A frame from the video depicting Mr. Parker with this badge as I observed him is attached as Exhibit B.

9. Behind the counter are displays of numerous brands of Native American manufactured cigarettes. Several frames from the video depicting the shelves of the Native American manufactured cigarettes is attached as Exhibit C.

10. I asked Mr. Parker for a bag of loose cigarettes, which I believe are called “rollies.” Mr. Parker provided me with a bag of rollies. They are labeled “American 225’s FF 100’s” and I was charged \$19.00 for them. A photograph of the bag of rollies is attached as Exhibit D.

11. I also asked Mr. Parker for a pack of Seneca cigarettes, which are a Native brand of cigarettes. The pack is labeled “Seneca FF K” and I was charged \$4.55 for the pack. A photograph of the pack of Seneca cigarettes is attached as Exhibit E.

12. Finally, I asked Mr. Parker for a pack of Newport Menthol cigarettes, which are a national premium brand. The pack is labeled “Newport Menthol 100s” and I was charged \$9.25 for the pack. A photograph of the pack of Newport cigarettes is attached as Exhibit F.

13. I understand that cigarettes are subject to various sales and excise taxes and that evidence of the taxes having been paid is represented by a state tax stamp on the packaging. None of the packages I received had any tax stamps affixed.

14. I also asked for a receipt, which Mr. Parker provided to me. The receipt does not indicate any sales taxes were collected. A copy of the receipt is attached as Exhibit G.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 1, 2021, in Seneca County, New York.

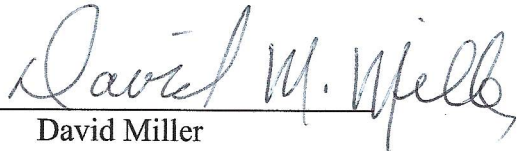

David Miller

EXHIBIT A



Nov 30, 2021 3:11:30 PM

EXHIBIT B

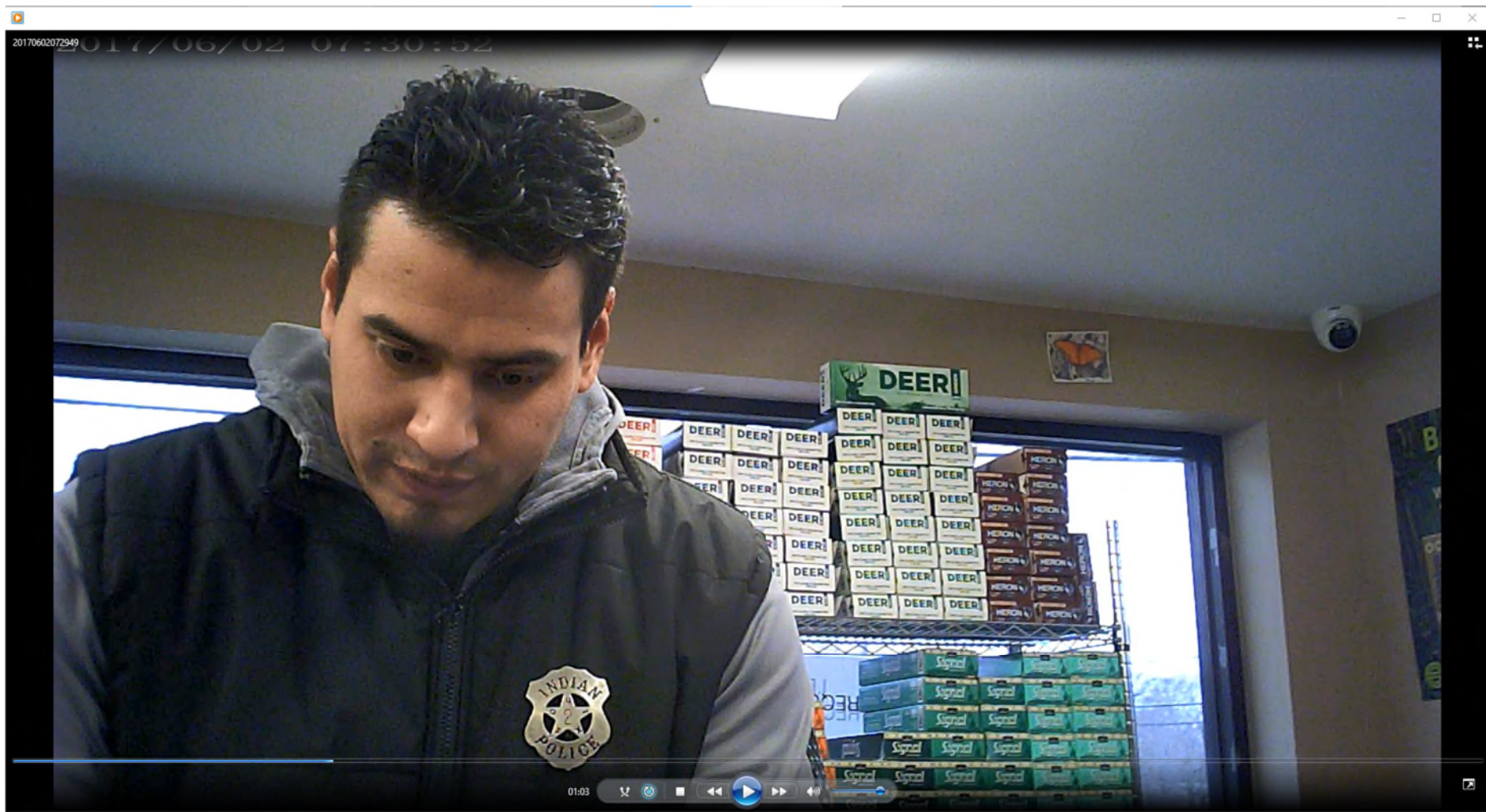
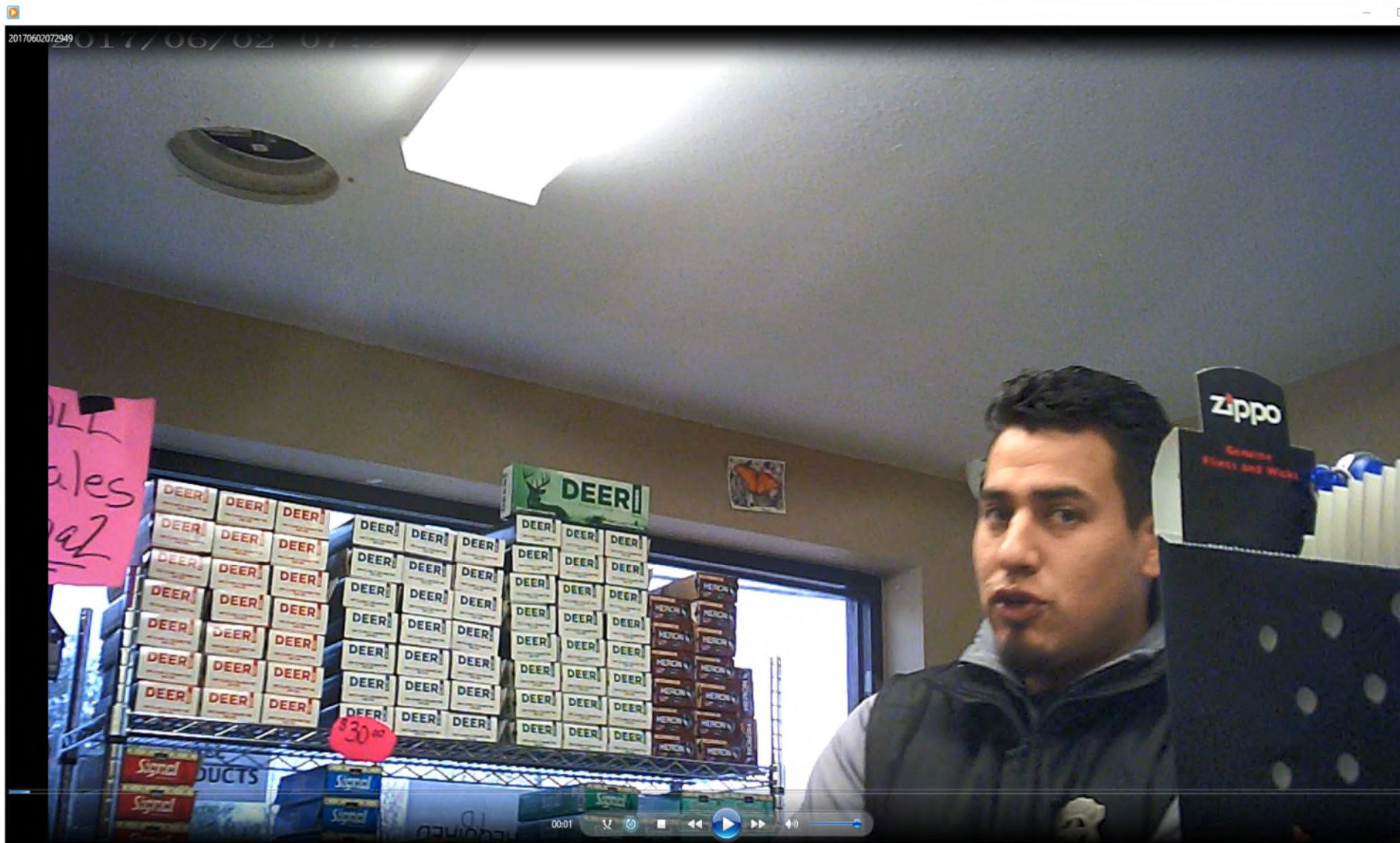


EXHIBIT C



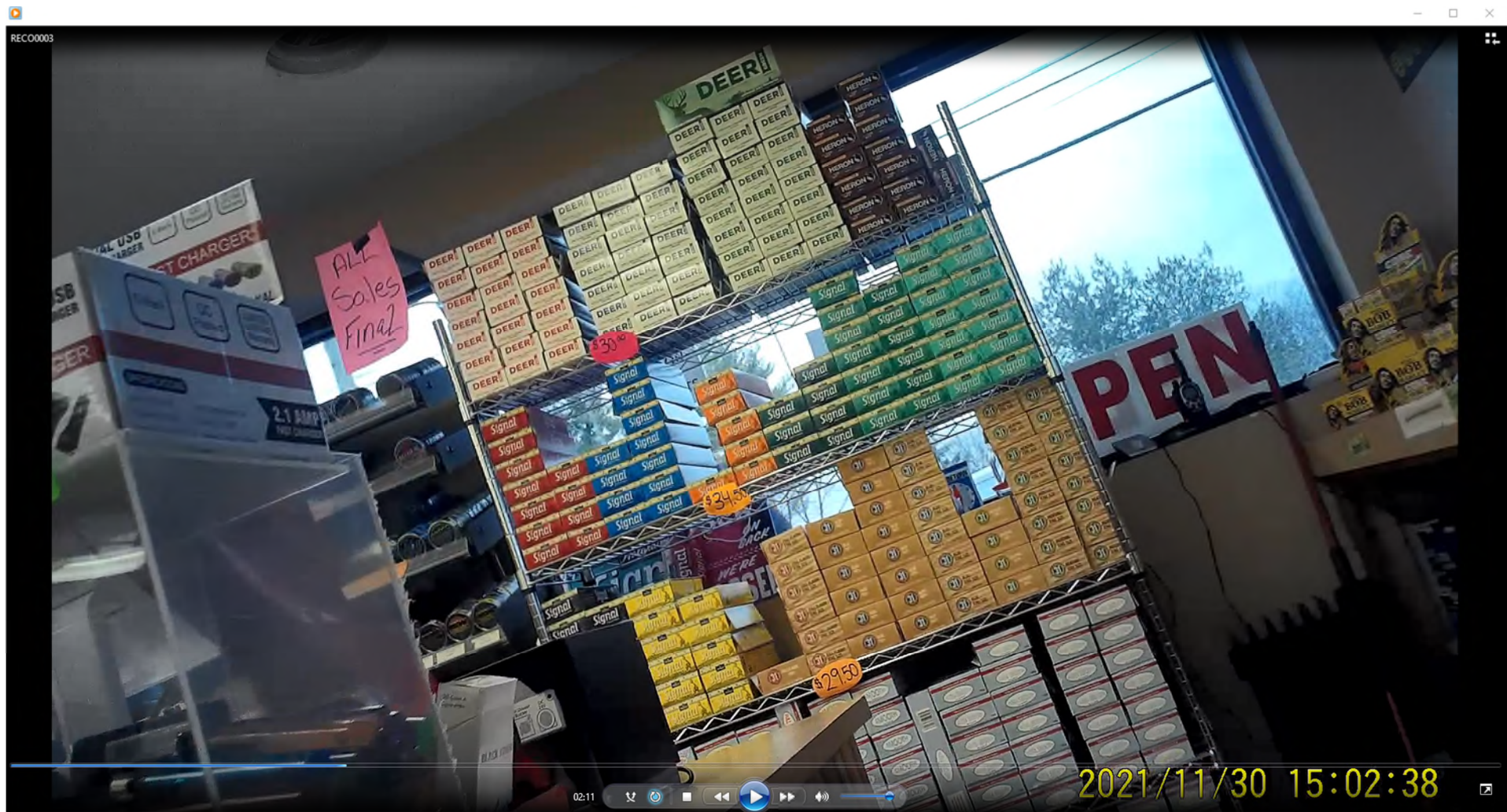






EXHIBIT D



EXHIBIT E



EXHIBIT F



EXHIBIT G

IMM 11-30-21

Pipekeepers Tobacco & Gas

(315) 257-0299

November 30, 2021

3:09 PM

No name

PURCHASE

Receipt: ndrF

Newport Menthol 100s Pack	\$9.25
Seneca FF K Pack	\$4.55
American 225's FF 100's	\$19.00
Total	\$32.80
Cash	\$40.00
Change	\$7.20